

Planning/Zoning, Land Design & Development Meeting
Tuesday, February 17, 2009
2:00 P.M.
Third Floor, City Hall

Present:

Chair:	CM Owen
Vice Chair:	CM Stuckel
Members:	CM Hamilton, CM Heiner, CM Jon Ackerson, and CM Flood

Absent: CM Ward-Pugh

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

O-14-01-09 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE RETAIL MARKET STUDY (CASE NO. 11942). (6-18-09)

Status: In Committee - Held
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Discussion: John Fischer, DPDS, spoke to the item. The Planning Commission hearing was held on December 18, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for adoption by the Metro Council. A power point presentation was given. The following were items of discussion and concern:

- Retail Market Study
 - Gaps and Surplus
- Corridors of Opportunity In Louisville (COOL)
- Accurate Market Data
- Social Compact Drill Down Study
 - Gaps and Surplus
- Retail Jobs and Payroll
- Activity Centers are neighborhood commercial areas
 - Should be utilized in land use planning (land development code), in the Village, Neighborhood, Traditional Neighborhood, and Regional Form Districts to plan where new investment is most desired
- How will this help underserved neighborhoods
 - Incentives
- Paper trail requirement

Information from the Studies is to be given to each particular District.

This Ordinance was sent to the **Consent Calendar.**

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Tom Owen, Glen Stuckel, Hal Heiner, Jon Ackerson, Cheri Bryant Hamilton, Madonna Flood
Against: (None)
Abstain: (None)
Absent: Tina Ward-Pugh

[O-13-01-09 AN ORDINANCE CHANGING THE ZONING FROM R-4, SINGLE-FAMILY RESIDENTIAL TO C-1, COMMERCIAL AND CHANGING THE FORM DISTRICT FROM NEIGHBORHOOD TO REGIONAL CENTER ON PROPERTY LOCATED AT 7805, 7807 AND 7911 BARDSTOWN ROAD, CONTAINING A TOTAL OF 12.5 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 10787\). \(3-11-09\)](#)

Status: In Committee - Tabled

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Untable made by Glen Stuckel and seconded by Cheri Bryant Hamilton.

This item was Untabled.

Discussion: This item had been tabled from the previous Committee Meeting. Theresa Senninger, Assistant County Attorney, spoke giving a brief summary of the meeting held on February 13, 2009 with the Applicant and interested parties. A handout regarding this meeting was given to the Committee Members. (Attached) The following was discussed:

- Proposed Binding Element 27 regarding working with the Urban Design Services Administrator to incorporate brick into the facade of Kohls in which the Applicant did not agree
- Facade Elevations, colors and materials
- Proposed Binding Element 28 regarding additional landscaping which the Applicant agreed to
- Proposed Binding Element 29 regarding a revised development plan which the Applicant did not agree
- Neighborhood Form District, not a Regional Center
- Transportation and traffic concerns
- Area already considered a Defacto Regional Center
- How does Regional Center affect square footage
 - Neighborhood form is capped at 80,000 square feet and the applicant needs 7,000 square feet more than that
- New verbiage for proposed Binding Element 29 which the Applicant did not agree

The following was also discussed:

- Possible studies to be done
- Form District design standards
- Possible waiver regarding the footage of the building
- Process for a waiver request

Charles Cash, Director of DPDS, spoke regarding the thresholds of Form Districts.

Continued discussion continued regarding different criteria for the building design and elevation as well as footage.

CM Benson, District Representative, stated his concerns regarding a Regional Center, traffic, and his agreement with the possibility of a waiver.

Ms. Senninger read a proposed Ordinance seeking to overturn the recommendation of the Planning Commission regarding the change to a Regional Center.

Motion to Table made by Hal Heiner and seconded by Glen Stuckel.

This item was Tabled.

After a 10 minute recess toward the end of the meeting, discussion continued on this item.

Theresa Senninger, Assistant County Attorney, stated after discussion with the Applicant and his representatives, and Charles Cash, Director of Planning and Design Services, the Applicant is willing to go back to Planning and Design Services to request any necessary waivers to comply with the Neighborhood Form District including a waiver of the building size.

Motion to Amend by overriding the Planning Commission recommendation to change the Form District from Neighborhood to Regional Center was made by Stuart Benson and seconded by Hal Heiner (See end of Minutes)

The Amendment passed.

Motion to Amend Section 1 by adding a statement regarding additional binding elements and adding binding element No. 27 as follows was made by Stuart Benson and seconded by Hal Heiner.

- and the following additional binding elements:
- 27. The applicant shall fill in any gaps in the existing tree line to provide a continuous screen along the south side of the detention basin. The applicant shall work with the staff landscape architect to provide a continuous evergreen screen along the east property line. The screen shall consist of a double row of trees north of Major Lane and a single row of trees south of Major Lane. Trees shall be a minimum of 7 feet tall at the time of planting and shall be spruce or other hardy evergreen species, not to include pine.

The Amendment passed.

Motion to Amend by adding binding element No. 28 as follows was made by Stuart Benson and seconded by Hal Heiner.

- 28. The development plan for case #10787 shall be revised to demonstrate compliance with the site development and design standards of the Neighborhood Form District, or to obtain a waiver of any standards which cannot be met and for which relief is available, including the size of the building. The Planning Commission or its designee is directed to apply the existing site design standards in the Land Development Code to the revised development plan. The revised development plan shall be presented for consideration by the Planning Commission (or committee thereof) within 180 days of final action by the legislative body.

The Amendment passed.

CM Heiner stated for the record, that the Committee encourages the Planning Commission, in this case, to accomplish their review and decision on this case within a 20 to 30 days.

Motion to Amend Section II by adding the following statement at the end of the paragraph was made by Stuart Benson and seconded by Hal Heiner.

- and the additional binding elements as set forth in Section I above.

The Amendment passed.

This Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 1

For: Tom Owen, Glen Stuckel, Hal Heiner, Jon Ackerson, Cheri Bryant Hamilton, Madonna Flood, Stuart Benson
Against: (None)
Abstain: (None)
Absent: Tina Ward-Pugh

[O-22-02-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 AND R-5 SINGLE-FAMILY RESIDENTIAL AND R-7, MULTI-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 4101 AND 4109 TAYLORSVILLE ROAD, CONTAINING A TOTAL OF 3.74 ACRES, OF WHICH 2.8 IS PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO \(CASE NO. 10863\). \(4-15-09\)](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve made Hal Heiner by and seconded by Glen Stuckel.

Discussion: Dawn Warrick, DPDS, spoke to the item. The Planning Commission hearing was held on January 15, 2009. Three spoke in opposition and four spoke as other. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Kramer's District. A power point presentation was given. The following were items of discussion and concern:

- Surrounded by mixed uses and districts
- Access
- Subdivided into 3 lots
- Sidewalks
- Considered Transition Property
- Low intensity Commercial use
- Contributing improvement along McMahan Boulevard
- Proposed elevations
- Wall extension
- Transportation issues
- Traffic and Signal timing
- Air pollution
- Management of the site
- Hours of Operation
- Screening

Kevin Kramer, District Representative, stated he is in favor of this zoning change.

This Ordinance was sent to **Old Business**.

VOTING RESULTS: For: 7; Against: 0; Abstain: 0; Absent: 1

For: Tom Owen, Glen Stuckel, Hal Heiner, Jon Ackerson, Cheri Bryant Hamilton, Madonna Flood, Kevin Kramer

Against: (None)

Abstain: (None)

Absent: Tina Ward-Pugh

[O-23-02-09 AN ORDINANCE CLOSING A SECTION OF OLD HENRY FARM COURT FROM ITS SOUTHERN INTERSECTION WITH TERRA CROSSINGS BOULEVARD RUNNING SOUTHWESTERLY TO I-265, ALSO KNOWN AS THE GENE SNYDER FREEWAY, BEING AN IRREGULARLY-SHAPED PARCEL CONTAINING 1.011 ACRES, AND BEING IN LOUISVILLE METRO \(CASE NO. 11479\). \(7-15-09\)](#)

Status: In-Committee

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

Motion to Approve made by Cheri Bryant Hamilton and seconded by Hal Heiner.

Discussion: Dawn Warrick, DPDS, spoke to the item. This was on the Planning Commission Consent Agenda dated January 15, 2009. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Heiner's District. A power point presentation was given. The following were items of discussion and concern:

- Existing public right-of-way to be closed per condition on prior development plan
- Single property owner on all sides and 100% adjoining property owners are in agreement
- Reviewed by all necessary agencies and they had no objection

CM Heiner is in agreement with this closure.

This Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 6; Against: 0; Abstain: 0; Absent: 1

For: Tom Owen, Glen Stuckel, Hal Heiner, Jon Ackerson, Cheri Bryant Hamilton, Madonna Flood

Against: (None)

Abstain: (None)

Absent: Tina Ward-Pugh

Without objection the Committee recessed at 3:20 P.M. in order to get direction on how to proceed with item number two.

Motion to reconvene was made by Glen Stuckel and seconded by Jon Ackerson. The meeting reconvened at 3:40 P.M. Discussion continued on item two.

Motion to Adjourn made by Glen Stuckel and seconded by Hal Heiner. Without objection the meeting Adjourned at 3:55 P.M.

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on February 26, 2009.**

KQG

An Ordinance changing the zoning from R-4, Single-Family Residential to C-1, Commercial and changing the form district from Neighborhood to Regional Center on property located at 7805, 7807 and 7911 Bardstown Road, containing a total of 12.5 acres, and being in Louisville Metro (Case No. 10787)(As Amended).

Sponsored by: Councilman Tom Owen

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 10787; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 10787 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;

WHEREAS, the Council wishes to overturn the recommendation of the Planning Commission for the form district change as set forth in said minutes and records because the proposal to change the form district from Neighborhood to Regional Center (the "Form District Proposal") is not supported by Cornerstone 2020, the Comprehensive Plan; and,

WHEREAS, the Form District Proposal does not comply with Community Form/Land Use Guideline 1.B.6, Regional Center, which states that a Regional Center Form District typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment and medium to high-density residential uses because the development proposal in Case No. 10787 does not propose these types of uses, but proposes a stand-alone department store consisting of 87,000 square feet of floor area, a small strip commercial center and an outlot, and the current area uses, which include two pharmacies, two restaurants, two gas stations, a car wash, a small insurance office, and two small-scale neighborhood strip commercial centers are not of a scale or intensity such that they could be considered part of an existing Regional Center, and

WHEREAS, the Form District Proposal further does not comply with Guideline 1.B.6 of the Comprehensive Plan, which states that a Regional Center typically consists of at least 400,000 square feet of floor area because the Proposal does not include a development plan that proposes the construction of this amount of space, and though existing area developments may total this amount of square footage, these existing developments are not on a scale or arranged in a pattern that matches what the Comprehensive Plan describes as a Regional Center, and,

WHEREAS, the Form District Proposal further does not comply with Guideline 1.B.6 of the Comprehensive Plan, which states that development in a Regional Center should be compact and provide for site accessibility through all means of transportation because the proposal is not incorporated into a larger compact activity center, but is included in an area which contains dispersed and fragmented pockets of small-scale and neighborhood-serving retail and services and a large amount of residential property, and that runs more than half a mile south of the Gene Snyder Freeway, and though one bus line runs along Bardstown Road in this area, it lacks the road connectivity that would facilitate the volume of traffic associated with the creation of a Regional Center at this location, and,

WHEREAS, the Form District Proposal further does not comply with Guideline 1.B.6 of the Comprehensive Plan, which states that landscaping, building design and unified signs in the Regional Center give character to the development, defines and reinforces identity and provides a human scale because the proposed Regional Center does not include structures that comply with the Fern Creek Small Area Plan, which emphasizes the use of brick to blend with existing structures, and does not therefore blend with the character or reinforce the identity of the area,

Now therefore be it ordained by the Legislative Council of the Louisville/Jefferson County Metro Government as follows:

Section I: That the property located at 7805, 7807 and 7911 Bardstown Road, containing a total of 12.5 acres, and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 10787 is hereby changed from R-4, Single-Family Residential to C-1, Commercial, as more particularly specified in the minutes and records of the Planning Commission, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 10787,

Section II: ~~That the property located at 7805, 7807 and 7911 Bardstown Road containing a total of 12.5 acres and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 10787 is hereby changed from Neighborhood Form District to Regional Center Form~~

~~District, provided, however, said property shall be subject to the binding elements as set forth in the minutes and records of the Planning Commission in Case No. 10787. That the property located at 7805, 7807 and 7911 Bardstown Road containing a total of 12.5 acres, and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 10787 hereby remains in the Neighborhood Form District, and said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 10787.~~

Section III: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____